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15 UNITED STATES BANKRUPTCY COURT
16 EASTERN DISTRICT OF CALIFORNIA
17 SACRAMENTO DIVISION

18
19 IN RE:)Case No. 09-29162-D-11
20 SK FOODS, L.P., A CALIFORNIA LIMITED)Chapter 11
21 PARTNERSHIP,)DC No. SH-1
22 DEBTOR.)TEMPORARY RESTRAINING ORDER
23)AND ORDER TO SHOW CAUSE RE
24)PRELIMINARY INJUNCTION
25)
26)Date: March 11, 2010
27 Time: 10:00 a.m.
28 Place: Dept. D, 6th Floor, Courtroom 34
501 I Street, Sacramento, CA

26 **CAPTION CONTINUED ON NEXT PAGE**

FILED

MAR 11 2010

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

1
2 BRADLEY D. SHARP, et al.,)
3 Plaintiff,)
4 vs.)
5 SSC Farms I, LLC, et al.,)
6 Defendants.)
7
8 BRADLEY D. SHARP, et al.)
9 Plaintiff,)
10 vs.)
11 SCOTT SALYER as trustee of the Scott Salyer)
12 Revocable Trust, et al.,)
13 Defendants.)
14
15 BRADLEY D. SHARP, et al.)
16 Plaintiff,)
17 vs.)
18 SCOTT SALYER, in his individual capacity and)
19 as Trustee of the Scott Salyer Revocable Trust, et)
20 al.,)
21 Defendants.)
22
23 BRADLEY D. SHARP, et al.,)
24 Plaintiff,)
25 vs.)
26 SKF AVIATION, LLC, et al.,)
27 Defendants.)
28

1
2 **TO: DEFENDANTS AND THEIR COUNSEL:**
3 YOU ARE HEREBY ORDERED TO SHOW CAUSE at _____ on
4 _____ or as soon thereafter as counsel maybe heard in the courtroom of
5 the Honorable Robert S. Bardwil located at 501 I Street #3-200, Sacramento, CA 95814 why
6 you, your officers, your agents, servants, employees and attorneys and those in active concert or
7 participation with you or them, should not be restrained and enjoined pending trial of this action
8 from selling, transferring, encumbering or moving to a location outside of California any and all
9 assets that had been transferred to you by or through, ~~directly or indirectly~~, SK Foods, including
10 but not limited to real property purportedly titled in the name of SSC Farming, LLC, SSC Farms
11 I, LLC and SSC Farms II, LLC, and all funds transferred to you as described in the Complaints
12 in the above-captioned adversary proceedings (collectively the "Assets").

13 PENDING HEARING on the above Order to Show Cause, YOU, your officers, your
14 *(with respect to attorneys only, excluding monies received or to be received for
agents, servants, employees and attorneys and those in active concert or participation with you or
them) ARE HEREBY RESTRAINED AND ENJOINED from selling, transferring, encumbering
15 the Assets or moving the Assets to any location outside of California, except upon application to
16 this Court with good cause shown.* *The enjoined entities can make payments in the ordinary course of
business for regular salaries, lease payments, mortgage payments
or utilities that become due and payable before the hearing on the
Order to Show Cause.*

17 Pursuant to Fed. R. Bankr. P. 7065 and Fed. R. Civ. Proc. 65(b)(2), the Court makes the
18 following findings:

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- 20 • This Order was entered at 12:05 P.m. on March 18 2010.
- 21 • The Court finds that, if the Trustee prevails on its actions for avoidance of
22 fraudulent conveyance and/or substantive consolidation and/or quiet title and/or
23 breach of fiduciary duty, then he would be entitled to return of the Assets to the
24 estate of the debtor. If Defendants were allowed to move the Assets out of the
25 country before the Court considers the merits of the Trustee's motion for a
26 preliminary injunction, the Court would be unable to grant this remedy to the
27 Trustee, which would cause him irreparable harm. The Court enters this Order to

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1 preserve the status quo and its ability to grant the final relief requested in these
2 actions.

3 • This Order was issued without notice to prevent Defendants from completing
4 their allegedly impending transfers of Assets.

5 Pursuant to Fed. R. Bankr. P. 7065, the Trustee is not required to file an undertaking, and
6 this Order is immediately effective.

7 Pursuant to Local Rule 7065-1(c) you are hereby notified that you they may apply to the
8 Court for ~~modification or dissolution of foregoing temporary restraining order on two (2) court~~
9 days notice by personal service or such other notice as the Court may allow. *RSB*

10 The Court hereby establishes the following schedule for the hearing on the Order to Show
11 Cause:

| 12 | Event | Deadline |
|----|---|--------------------------------------|
| 13 | Plaintiff to serve Order to Show Cause and 14 supporting papers on Defendants | <i>MARCH 11, 2010 by 5:00 PM</i> |
| 15 | Proof of service to be filed with the Court | <i>MARCH 12, 2010</i> |
| 16 | Defendants' Response to Order to Show 17 Cause to be filed and <i>electronically</i> 18 personally served on Plaintiff's counsel | <i>MARCH 16, 2010</i> |
| 19 | Plaintiff's Reply to be filed and personally 20 served on Defendants' counsel | <i>MARCH 18, 2010</i> |

21

22 Dated: March 11, 2010

23 By: Robert Boardwell
24 UNITED STATES BANKRUPTCY JUDGE

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